

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|  |   |                                |
|--|---|--------------------------------|
| -----                                  | x |                                |
| VIRGINIA ALEYN, DOMINIQUE BELL,        | : |                                |
| KRIS MOUNT, SUKOL PHAIROJ,             | : | Civil Action No.: 07-6276 (HB) |
| KATHERINE TUMINELLI and CRAIG          | : | (DCF)                          |
| YOCHAM on behalf of themselves and all | : |                                |
| other similarly situated,              | : |                                |
|  | : |                                |
| Plaintiffs,                            | : |                                |
|  | : |                                |
| -against-                              | : |                                |
|  | : |                                |
| JEAN-GEORGES ENTERPRISES, LLC          | : |                                |
| d/b/a V STEAKHOUSE; JEAN-GEORGES       | : |                                |
| MANAGEMENT LLC d/b/a V                 | : |                                |
| STEAKHOUSE; JEAN-GEORGES               | : |                                |
| VONGERICHTEN and PHIL SUAREZ           | : |                                |
|  | : |                                |
| Defendants.                            | : |                                |
|  | : |                                |
| -----                                  | x |                                |

**[PROPOSED] FINAL JUDGMENT AND ORDER GRANTING PLAINTIFFS'  
MOTION FOR FINAL APPROVAL OF SETTLEMENT AND CERTIFICATION  
OF SETTLEMENT CLASS**

The Settlement Agreement dated April 17, 2008 (the "Settlement Agreement") between the Class Representatives, individual Plaintiffs, and Defendants provides for the Settlement of this lawsuit on behalf of the Class Representatives, the Class Members and the Individual Plaintiffs, subject to the approval by this Court of its terms and to the entry of this Final Judgment. Pursuant to an Order dated April 24, 2008 ("Preliminary Approval Order"), the Court scheduled a hearing (the "Fairness Hearing") to consider the approval of the Settlement Agreement and the Settlement reflected in it.

Defendants deny any wrongdoing, fault, violation, of law, or liability for damages of any sort. Defendants have stipulated to the certification of this class for settlement purposes only.

In accordance with the Preliminary Approval Order, Notices were sent by 1<sup>st</sup> class mail to the Class Members and an affirmation of mailing of the Notices has been filed with the Court, demonstrating compliance with this Court's order regarding Notice.

A Fairness Hearing was held before this Court on July 10, 2008 to consider among other things, whether the Settlement should be approved by this Court as fair, reasonable, and adequate, and whether Class Counsel's request for approval of attorney's fees and expenses is reasonable and should be approved by this Court.

**NOW THEREFORE GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. This Order incorporates by reference the definitions in the Settlement Agreement, and all capitalized terms used in this Final Judgment shall have the same meanings as set forth in the Settlement Agreement, unless otherwise defined herein.

2. The Court finds that the class proposed only for purposes of the Settlement meets the requirements of Fed. R. Civ. P. 23 (3) (b), and hereby certifies a settlement class in the Litigation as follows:

**"Class"** shall mean the class of persons who were employed by Jean-Georges, at its V-Steakhouse restaurant as a server, busser, runner, "office" worker, coffee worker, cocktail waitress/waiter, bartender and bar back at any time during the period from May 1, 2004, through December 31, 2005, inclusive.

3. This Court approves the Settlement and all terms set forth in the Settlement Agreement and finds that the Settlement is, in all respects, fair,

reasonable, adequate and in the best interest of the Class Members, and the Parties to the Agreement are directed to consummate and perform its terms.

4. This Court approves Class Counsel's application for an award of attorneys' fees and reimbursement of costs including any request for costs for administration – which will come out of the Settlement.

5. This Court approves the Enhancement Fees to the Class Representatives and the Gerafino Enhancement Fees -- which will come out of the Settlement.

6. The entire Litigation is dismissed with prejudice, and without costs to any party. All Qualified Class Members are barred and permanently enjoined all from participating in any other collective or class action lawsuit against the Releasees, or any of them, concerning the Claims settled in the Action.

7. The Parties having so agreed, good cause appearing, and there being no just reason for delay, it is expressly directed that this Final Judgment and Order Approving Class Action Settlement and Dismissal with Prejudice be, and hereby is, entered as a final order.

Dated: July \_\_\_\_, 2008  
New York, New York

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HONORABLE HAROLD BAER  
UNITED STATES DISTRICT JUDGE